IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 963 OF 2006

Prakash Dwarkadas Wadhwa ...Applicant.

V/s

State of Maharashtra ..Respondents.

Mr. Anil Sakhare i/b Dilip Taur i/b M/s UKS Legal
for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 8th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 12/2/2006 in connection with C.R. No.I-23 of 2006 registered at Central Police Station, Ulhasnagar for the offence punishable under sections 307, 147, 148, 149, 323 and 504 of the Indian Penal Code read with section 25(1)(c) of the Arms Act.

3. It is alleged that one Suresh Wadhwa had put his revolver on the head of Mr. Jammu Puruswani and had fired a shot from the revolver. However, luckily, nobody was injured in the said incident. A complaint

was, therefore, filed by the said Jammu against Suresh Wadhwa and the present applicant who were present at the scene of offence. The main accused Suresh Wadhwa who fired shot from the revolver was granted anticipatory bail by the First Ad-hoc Additional Sessions Judge, Kalyan.

4. From the material which is on record and the statements of the witnesses and the first informant, it can be seen that the present applicant was present at the scene of offence and no role is attributed to him. There was some altercation between Dwarkadas and others and the present incident was outcome of the said earlier incident. Prima facie, there is no material to indicate that the applicant had shared common intention of said Suresh Wadhwa. The prime accused is released on bail. In my view, the applicant should also be released on bail.

5. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant shall co-operate with the police in the investigation of the case. The applicant shall report to Central Police Station, Ulhasnagar for a period of three days from 13/3/2006 and, thereafter, as and when he is called. The applicant shall report to the

Ulhasnagar Police Station after filing of the charge-sheet once in a month.

6. Application is accordingly disposed of.

V.M. KANADE, J.